

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 1**

**LAX LLC D/B/A LAND AIR EXPRESS**

**Employer**

**and**

**Case 01-RC-227585**

**TEAMSTERS UNION LOCAL NO. 340**

**Petitioner**

**DECISION AND ORDER**

Pursuant to a Stipulated Election Agreement, an election was conducted on Thursday, October 11, 2018<sup>1</sup> among a unit of the following employees of the Employer:

All full-time and regular part-time drivers, including Class A and Class B drivers, employed by the Employer at the 121 Industrial Park Road, Pittsfield, ME location, but excluding all other employees, guards and supervisors as defined in the Act.

The tally of ballots showed that of the approximately 14 eligible voters, seven cast ballots for the Petitioner and six cast ballots against representation. There were two challenged ballots, a number sufficient to affect the results of the election.

On November 15 and 16, a hearing was held before a hearing officer of the National Labor Relations Board. On December 14, the hearing officer issued a report in which she recommended that the challenge to the ballot of Daryl Whitley be overruled and that his ballot be opened and counted. The hearing officer further recommended that the challenge to the ballot of Terrance Lary be sustained.

No exceptions have been filed to the hearing officer's report within the time period provided. Accordingly, in the absence of exceptions, I adopt the hearing officer's findings and recommendations.

IT IS HEREBY ORDERED that the ballot of Daryl Whitley be opened and counted on Wednesday, January 9, 2019 at 10:00 a.m. at the office of the National Labor Relations Board, Region 1, Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Room 601, Boston, MA 02222-1072.

**REQUEST FOR REVIEW**

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision. The request for

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<sup>1</sup> All dates are in 2018 unless otherwise indicated.

review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and must be received by the Board in Washington by January 18, 2019. If no request for review is filed, the decision is final and shall have the same effect as if issued by the Board.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the Request for Review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated: January 4, 2019

/s/Paul J. Murphy

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PAUL J. MURPHY  
Acting Regional Director  
National Labor Relations Board, Region 1  
Thomas P. O'Neill Jr. Federal Building  
10 Causeway Street, Room 601  
Boston, MA 02222